

PATENT
Docket No: MO06001USU
Serial No.: 09/726,953

REMARKS

RECEIVED
CENTRAL FAX CENTER
DEC 08 2006

STATUS SUMMARY

Claims 1-14 are pending in the present application. Per the final Office Action mailed November 15, 2004, claims 12-14 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kawesh (U.S. Pat. No. 6,019,754), and claims 1-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawesh in view of Glockler (U.S. Patent No. 6,251,101). Per the decision of the BPAI on September 20, 2006, the rejection to claims 12-14 under 35 U.S.C. § 102(e) was not sustained, but the rejection to claims 1-11 under 35 U.S.C. § 103(a) was sustained.

As indicated above, Applicant has amended independent claims 1 and 8 to recite "means for directing a flow of air above the cornea of the patient from one side of the cornea to another side of the cornea, at a distance so that the cornea is not dehydrated by the flow of air."

In view of the foregoing, Applicant respectfully submits that claims 1 and 8, and claims 2-7 and 9-11 at least by way of dependency, are patentable over all prior art of record. In addition, Applicant respectfully agrees with the BPAI's refusal to sustain the rejection to claims 12-14, and respectfully submits that claims 12-14 likewise are patentable over all prior art of record. Therefore, Applicant respectfully requests that the rejections to claims 1-14 be withdrawn and that claims 1-14 be allowed.

Finally, Applicant has added dependent claims 15 and 16 in view of the amendments made to claims 1 and 8, from which claims 15 and 16 respectfully depend.

PATENT
Docket No: MO06001USU
Serial No.: 09/726,953

Applicant respectfully submits that claims 15 and 16 are fully supported by the application as originally filed, and therefore no new matter has been added. *See, e.g.*, Figs. 3-5 and accompanying written description. Applicant further respectfully submits that claims 15 and 16 are patentable over all prior art of record, and thus respectfully requests entry and allowance of claims 15 and 16.

RECEIVED
CENTRAL FAX CENTER
DEC 08 2006

PATENT
Docket No: MO06001USU
Serial No.: 09/726,953

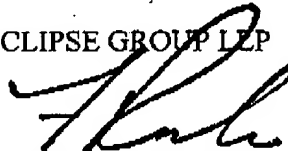
CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Office Action.

Respectfully submitted,

THE ECLIPSE GROUP LLP



Date: December 8, 2006

By:

Francisco A. Rubio-Campos
Registration No. 45,358
The Eclipse Group LLP
26895 Aliso Creek Rd.
Suite B-104
Aliso Viejo, CA 92656-5301
Phone: (818) 488-8147
Fax: (714) 948-8903

Customer No. 34408